

ASBESTOS MANAGEMENT IN SCHOOLS TOP 10 VIOLATIONS IN MASSACHUSETTS

DLS regulations, 454 CMR 28.00 incorporates the AHERA standards. Compliance with 454 CMR 28.00 will satisfy the AHERA requirements in Massachusetts schools. The most common violations observed during an AHERA inspection and management plan review include:

1. Failure to appoint a Designated Person and list his/her name, phone number, and training documentation in the Management Plan.
2. Failure to provide training for the Designated Person.
3. Failure to notify building occupants or their legal guardians annually of the Management Plan's availability, and keep a dated copy of the notification, as well as the method of notification, in the Management Plan.
4. Failure to provide notice to outside vendors who perform work in the school that asbestos is present, and determine if that work will impact asbestos containing materials (ACM).
5. Failure to provide asbestos awareness training to all members of the custodial and maintenance staff, including new hires.
6. Failure to obtain an architect's statement for newly-constructed school buildings, and include that statement in the Management Plan.
7. Failure to post asbestos warning labels in routine maintenance areas (boiler rooms, maintenance/storage closets, crawl spaces).
8. Failure to implement an Operations & Maintenance (O&M) Program when friable asbestos is present, including special cleaning methods and frequency, and routine surveillance of known or assumed ACM.
9. Failure to implement response action recommendations to repair or remove damaged asbestos materials.
10. Failure to maintain a complete updated copy of the Management Plan in both the school office and the Local Education Agency (LEA) administrative office.

Although many of the AHERA provisions require the use of a licensed asbestos consultant, these Top 10 violations fall within the authority of the LEA to implement and enforce.

Ultimately, the LEA is responsible for AHERA compliance. These violations highlight the importance of carefully choosing and properly training the Designated Person in the duties assigned under AHERA. A history of AHERA compliance demonstrates that the LEA is protecting building occupants from asbestos exposure in the school buildings.

DLS has developed a series of bulletins, checklists and model programs to assist LEA's in their AHERA compliance efforts. Visit www.mass.gov/dols or contact DLS at (413) 735-6201 or (413) 735-6202 for technical assistance, training information, or AHERA consultation.